

ROBERT M. DRASKOVICH, ESQ.
Nevada Bar No. 6275
TURCO & DRASKOVICH, LLP.
815 South Casino Center Blvd.
Las Vegas, Nevada 89101-6718
702.474.4222
Attorney for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

| | | |
|---------------------------|---|--|
| UNITED STATES OF AMERICA, |) | CASE NO: 2:14-CR-00023-GMN-NJK |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | <i>STIPULATION TO CONTINUE</i> |
| |) | <i>CALENDAR CALL AND TRIAL DATE</i> |
| |) | |
| JAMES ALVA, |) | |
| |) | |
| |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

IT IS HEREBY STIPULATED AND AGREED by and between DANIEL G. BOGDEN, United States Attorney, and CRISTINA SILVA, counsel for the United States of America; and ROBERT M. DRASKOVICH, counsel for Defendant, JAMES ALVA, that the calendar call currently scheduled for August 3, 2015 at the hour of 9:00 a.m. and the trial currently scheduled for August 10, 2015 at 8:30 a.m. be vacated for at least sixty (60) days and set to a date and time convenient to the Court.

This Stipulation is entered into for the following reasons:

1. Parties require additional time to resolve the instant case without the necessity of trial.
2. Motions are still pending to be heard by this Honorable Court.

1 3. Additionally, Counsel for Defendant will be out of the jurisdiction July 22, 2015
2 through August 5, 2015.

3 4. Defendant is in custody and does not object to the request for continuance.
4

5 5. The government does not oppose the request for the continuance.
6

6 6. Denial of this request for continuance would deny counsel for the defendant
7 sufficient time within which to be able to effectively and thoroughly research this case, taking
8 into account the exercise of due diligence.

9 7. Additionally, denial of this request for continuance could result in a miscarriage
10 of justice.
11

12 8. The additional time requested by this Stipulation is excludable in computing the
13 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
14 United States Code §§ 3161(h)(7)(A), Title 18, United States Code § 3161(h)(7)(B)(i) and
15 3161(h)(8)(B)(iv).
16

17 This is the sixth request to continue trial date filed herein.

18 DATED this 7th day of July, 2015.

19 DANIEL G. BOGDEN
20 UNITED STATES ATTORNEY

21 Robert M. Draskovich
22 /s/ _____
23 ROBERT M. DRASKOVICH, ESQ.
24 Nevada Bar No. 6275
25 Attorney for Defendant
26
27
28

Cristina Silva
/s/ _____
CRISTINA SILVA
Assistant United States Attorney

1 ROBERT M. DRASKOVICH, ESQ.
2 Nevada Bar No. 6275
3 TURCO & DRASKOVICH, LLP.
4 815 South Casino Center Blvd.
5 Las Vegas, Nevada 89101-6718
6 702.474.4222
7 Attorney for Defendant

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,) CASE NO: 2:14-CR-00023-GMN-NJK
11)
12 Plaintiff,)
13)
14 vs.)
15) **FINDINGS OF FACT, CONCLUSIONS**
16) **OF LAW, AND ORDER**
17)
18 JAMES ALVA,)
19)
20)
21)
22 Defendant.)
23)
24)
25)
26)
27)
28)

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court finds:

1. Parties require additional time to resolve the instant case without the necessity of trial.
2. Motions are still pending to be heard by this Honorable Court.
3. Additionally, Counsel for Defendant will be out of the jurisdiction July 22, 2015 through August 5, 2015.
4. Defendant is in custody and does not object to the request for continuance.
5. The government does not oppose the request for the continuance.
6. Denial of this request for continuance would deny counsel for defendants

1 sufficient time within which to be able to effectively and thoroughly research this case further,
2 taking into account the exercise of due diligence.

3 7. Additionally, denial of this request for continuance could result in a miscarriage
4 of justice.
5

6 8. The additional time requested by this Stipulation is excludable in computing the
7 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
8 United States Code §§ 3161(h)(7)(A), Title 18, United States Code § 3161(h)(7)(B)(i) and
9 3161(h)(8)(B)(iv).
10

11 For all of the above-stated reasons, the ends of justice would best be served by a
12 continuance of the trial date.

13 **CONCLUSIONS OF LAW**

14 The ends of justice served by granting said continuance outweigh the best interest of the
15 public and the defendants in a speedy trial, since the failure to grant said continuance would be
16 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
17 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
18 account the exercise of due diligence.
19

20 The continuance sought herein excludable under the Speedy Trial Act, Title 18, United
21 States Code §§ 3161(h)(7)(A), Title 18, United States Code § 3161(h)(7)(B)(i) and
22 3161(h)(8)(B)(iv).
23

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER

IT IS HEREBY ORDERED that the calendar call currently schedule for August 3, 2015 at the hour of 9:00 a.m. be vacated and continued to _____ at the hour of _____, and the trial currently scheduled for August 10, 2015 at 8:30 a.m. be vacated and continued to _____ at the hour of _____.

DATED AND DONE this ____ day of July, 2015.

UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

/s/ Robert M. Draskovich

Robert M. Draskovich, Esq.
Nevada Bar No. 6275
Attorney for Defendant